

**PLAN COMMISSION STAFF REPORT**

APPLICATION NO: PUD-2025-01

HEARING DATE: April 10, 2025      NEXT HEARING DATE: May 8, 2025

NEWSPAPER NOTICE PUBLISHED ON: March 22, 2025      NOTICES MAILED ON: March 21, 2025

SUBJECT: Englewood Planned Unit Development. Preliminary Development Plan.

LOCATION: South side of SR 32, west side of S 900 W, about 250 east of Main Street, Lapel, IN

PETITIONER(S): Arbor Homes, LLC

SUMMARY: Commission to consider an application for a) rezoning the subject property from General Commercial to a Residential/Planned Unit Development zoning district; b) review of a Preliminary Development Plan and Ordinance for approximately 25 acres to be developed as a residential single-family detached development containing at most 107 units to be known as Englewood.

WAIVERS REQUESTED: See Staff Report for a full list of waivers

RECOMMENDATION: Recommend continue review of PUD-2025-01 to the next meeting

PREPARED BY Marcellus Johnson, Planning Administrator

EXHIBITS  
Exhibit 1. Vicinity Map  
Exhibit 2. Concept Plan  
Exhibit 3. PUD Ordinance  
Exhibit 4. Application  
Exhibit 5. Lapel and Madison County Proposed Land Use  
Exhibit 6. Excerpts from Lapel Thoroughfare Plan



## PROCEDURE

The application was filed on January 30, 2025 for a public hearing at the March 13, 2025 Plan Commission meeting.

The Plan Commission hears the evidence presented by Staff, petitioner/owner, and any individuals in the audience wishing to speak for or against the proposed project or to just ask questions. The Plan Commission then holds a discussion among themselves and makes a recommendation to the Common Council to either allow the request, deny the request, and/or amend the applicants' proposal. The Plan Commission has the authority to modify the proposal and/or attach conditions to the recommendation.

The Council then hears the proposal, including the Plan Commission's recommendation at the Council meeting(s). At the final Council meeting, the proposal as presented in an Ordinance format is either adopted, denied, or modified by the Council. Prior to the public hearing before the Commission, a published legal notice is advertised in the newspapers and public hearing notices are sent to the surrounding property owners per the adopted Rules of Procedure and have satisfactorily been completed.

### **Decision Criteria** per Lapel UDO V 12.2.3:

In reviewing the Planned Unit Development Preliminary Plan petition, the Plan Commission and Town Council shall pay reasonable regard to the following, consistent with IC 36-7-4-603:

1. Whether and to what extent the proposal fulfills the requirements and intent of UDO V 12.2.3 and the Subdivision Control Ordinance;
2. Whether the proposed rezone/PUD is consistent with the goals, objectives, and policies of the Comprehensive Plan and any other applicable, adopted planning studies or reports;
3. Whether the proposed rezone/PUD is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property;
4. Whether the proposed rezone/PUD is the most desirable use for which the land in the subject property is adapted;
5. Whether the proposed rezone/PUD will have an adverse effect on the value of properties throughout the jurisdiction; and
6. Whether the proposed rezone/PUD reflects responsible standards for development and growth.
7. Whether the proposed rezone/PUD is consistent with the requirements of all applicable overlay districts.



## **USEFUL TERMS AND DEFINITIONS**

**PLANNED UNIT DEVELOPMENT (PUD).** A large-scale unified development meeting the requirements of the Zoning Code, specifically the Planned Unit Development Ordinance. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Zoning Code. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned unit developments.

**DISTRICT.** A section of the Town of Lapel for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Zoning Code.

**PLANNED UNIT DEVELOPMENT DISTRICT.** A zoning district for which a PUD district Ordinance must be adopted under the regulations of this Zoning Ordinance.

**REZONING.** An amendment to a zoning map and/or text of a Zoning Ordinance.

**WAIVER.** Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from the strict compliance with these regulations, or the purposes and intent of these regulations may be served to a greater extent by an alternative proposal, it may grant waivers of the subdivision regulations set forth in this Ordinance so that substantial justice may be done and the public interest served.

**PRELIMINARY PLAN.** The initial development plans for a Planned Unit Development including any plans and drawings, Planned Unit Development (PUD) Ordinance, and any waivers and commitments by the developer for said real property. The purpose of the Preliminary Plan is to provide a formal opportunity for the applicant and the Plan Commission to discuss the general elements of the proposed PUD. The Preliminary Plan prepares the Plan Commission for a future discussion of details and minimizes the risk incurred by the applicant in creating the Detailed Plan.

**COMPREHENSIVE PLAN.** Refers to the Town of Lapel Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the Town pursuant to the I.C. 36-7-4-500 series



and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

**LOT COVERAGE.** The area of a zoning lot occupied by the principal building and any accessory structures.

**OPEN SPACE.** An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

**SETBACK.** The minimum horizontal distance between the building line and a lot line or right-of-way.

**ALLEY.** A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the abutting property.

**FRONTAGE.** All property of a lot fronting on a street right-of-way or common, private drive, as measured between side lot lines.

**UNDERLYING ZONING DISTRICT.** The zoning district upon which the PUD Ordinance is based or from which the PUD Ordinance standards vary.



## ABOUT PROJECT

### Location

The subject site is comprised of two parcels located at the northern end of town just south of SR 32 and just west of S 900 W (see Figure 1 here and Exhibit 1. Vicinity Map). The base zoning is General Commercial (C1). (Parcel IDs: 48-10-21-400-006.000-032, 48-10-21-700-002.000-032).

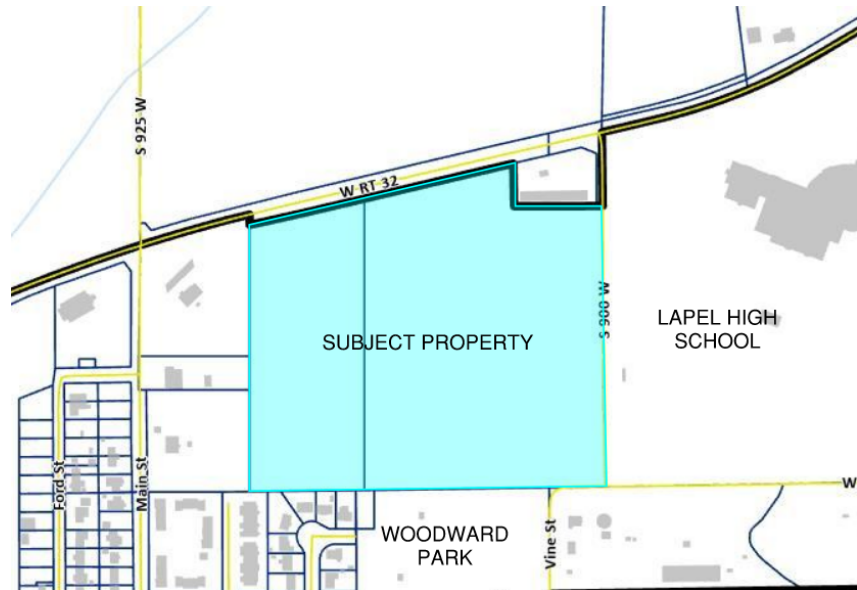


Figure 1. Project Site Location

### Proposal

The petitioner proposes to develop the project site as a single-family detached residential subdivision. The proposed development will include up to 107 single-family homes on individual lots with a mix of two and three floors and up to 27 façade design variations (see Exhibit 3. PUD Ordinance pgs 10-14). There are two entrances to the subdivision: one off SR 32 and one off S 900 W (see Exhibit 2. Concept Plan). There is also a footpath to connect the subdivision to Woodward Park to the south.

The developer proposes an about 3.5-acre pond surrounded by the residential lots along a ring road. Lots range from 4,000 sf to close to 14,000 sf, though most lots are between 4,000 and 5,500 sf. The proposal does not include any proposed floor plans, but the proposed ordinance sets the minimum total living area to 1,100 sf.



## ANALYSIS

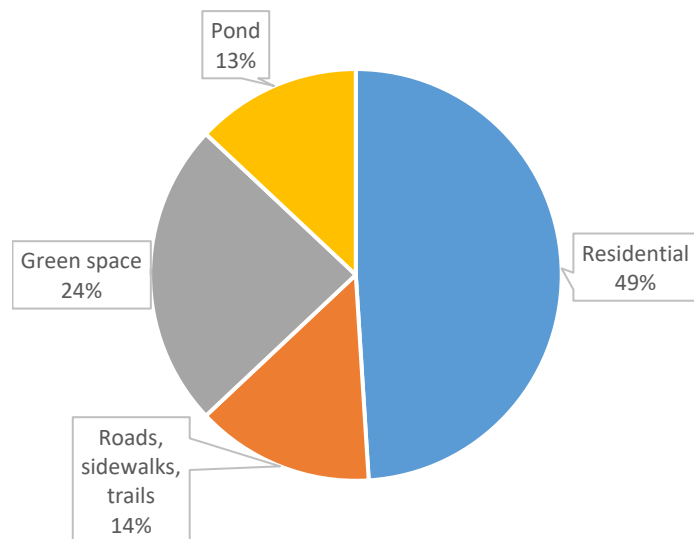
### Compatibility with Surrounding Area

	USE	ZONING	ANALYSIS
<b>NORTH</b>	Industrial: Mini-warehouse, Agricultural	General Commercial (County), Agricultural (County)	Proposed residential use is compatible with the surrounding uses and existing zoning districts. Particularly with respect to school and park uses.
<b>EAST</b>	Institutional: High School	Institutional & Social	
<b>SOUTH</b>	Park, Residential	Parks and Open Space, Residential	
<b>WEST</b>	Commercial	General Commercial	

In general, it is desirable to locate new housing near schools and parks, as distance to area schools and parks are a common selling point for residential development. The neighboring commercial uses include two clubhouses/meeting areas for nonprofit organizations and a gas station with convenience store. The two meeting spaces are unlikely to be nuisance to future residents and may even complement the residential development if future residents become involved in those organizations. In the northeast corner of the property there is a self-storage facility consisting of a one single-story building with storage spaces. Both the storage facility and the gas station can be easily screened from the property to reduce noise and visual impact.

### Land use breakdown within the development

Project site size	25.3 ac	100 %
Residential	12.3 ac	49 %
Roads, sidewalks, trails	3.49 ac	14%
Green space	6.11 ac	24%
Pond	3.39 ac	13%





**Consistency with Plans**Consistency with Lapel's Comprehensive Plan

The community vision for Lapel stated in the Comprehensive Plan is:

*“Lapel will retain its small-town character, strengthen its core business district, and create an affordable community for families by managing growth and planning to enrich its quality of place.”*

This residential development is consistent with the vision for managed growth and an affordable community for families as it involves developing a currently vacant in-town property that would put some 100-families within an easy walk or bike ride of Woodward Park and Lapel High School. This kind of environment, where residents can walk and bike to neighborhood amenities, will also help retain the small-town character of Lapel while providing housing to future residents who may patronize businesses in the core business district, helping to strengthen it.

Lapel Comprehensive Plan's Proposed Land Use Map (see Exhibit 6) designates the property as commercial. This is consistent with an expressed desire to see more commercial uses in the historic downtown area of Lapel and its edges. The proposal contains no commercial uses, which contradicts the Proposed Land Use Map. Because the property fronts a state road, the intention in the Comprehensive Plan was for a commercial development that had a regional market to make use of its location on the state road. However, the current commercial zoning of the property has been in place since the adoption of the UDO in 2015 and there has been no development in that time. It is unknown if any commercial interest will materialize in the next 10 years, however there has been interest in residential development in the area.

Consistency with Madison County's Comprehensive Plan

The Madison County Comprehensive Plan's Future Land Use Map (see Exhibit 7) shows the area across SR 32 to the north of Lapel to remain general agriculture.

Staff's Land Use Suggestion

The proposed residential subdivision is consistent with Lapel's vision of maintaining a small-town character, strengthening the core business district, and managing growth, but is inconsistent with the Comprehensive Plan's proposal to reserve the property for commercial uses.



It appears likely that if this property remains zoned for commercial development, it will remain vacant for the foreseeable future. Therefore, it is Staff's suggestion that residential development be allowed on the property.

### Compliance with Regulations

The tables below compare proposed PUD development standards to Lapel's UDO standards in the Underlying District stated in the proposed standards (R2):

- Standards in BLACK font: meet or exceed Lapel's standards.
- Standards in RED font: do not meet Lapel's standards and would require waivers.
- Standards in GREEN: additional standards that are not required by Lapel's UDO.

### General Bulk Standards

Ordinance standard	Ordinance requirement	Proposal per plan
Minimum lot area	7,250 sf	3,800 sf
Minimum lot width	60 feet	40 feet
Minimum lot frontage	70% of lot width	30 feet
Maximum building height	35 feet	35 feet
Minimum front yard setback	25 feet	20 feet
Minimum street side yard setback	None	15 feet
Minimum side yard setback	6 feet	5 feet
Minimum rear yard setback	25 feet (primary) 10 feet (accessory)	15 feet
Maximum lot coverage	60 %	60 %
Minimum living area	800 sf	1,100 sf



**Buffer Zone and Screening Standards**

Ordinance standard	Ordinance requirement	Proposal per plan
Peripheral Buffer Width	10 ft when adjacent to Ag, R3, C1, I1, and I2 30 ft when adjacent to R1 and I3	No requirement when adjacent to I1 and I2 10 ft when adjacent to all other districts
Exceptions for Existing Trees to Remain	None	No additional berm or landscaping required.
Berm Planting Requirements	Plant material on top and exterior side of berm only	Plant material permitted on interior side when berm is adjacent to commercial use
Screen Wall Planting Requirements	Plant material on exterior side only	Plant material permitted on interior side when screen wall is adjacent to commercial use.

**Public Improvement Standards**

Major Subdivision Standards and Public Improvement Standards for the R2 district require that developers install sidewalks along the perimeter streets of the development and install the portions of new roads proposed by existing Town Plans, including the Comprehensive Plan and Thoroughfare Plan, that are proposed to run adjacent to or through the site. The code does not say anything about implementation of planned improvements on existing roads. The Town Thoroughfare Plan does call for improvements on SR 32 and on S 900 W, namely 10-foot wide shared-use paths (see Exhibit 6). It would not be unreasonable for the Town to require the developer provide the 10-foot wide shared-use paths on those two sides of the development instead of the standard 8-foot wide sidewalk.

Ordinance standard	Ordinance requirement	Proposal per plan
Sidewalk Width - Perimeter	8 feet	8 feet
Sidewalk Material - Perimeter	Concrete	Concrete or Asphalt
Sidewalk Width - Interior	5 feet	5 feet
Sidewalk Material - Interior	Concrete	Concrete
Street Construction	Install portion of new roads proposed by existing Town Plans	Improvements needed to make access to the development safe, such as acceleration and deceleration lanes.



**Zoning District Open Space Requirements**

Ordinance standard	Ordinance requirement	Proposal per plan
Qualifying space	Does not include required buffer zones	Does include required buffer zones

**Architectural Standards**

The developer proposes replacing the Architectural Standards in UDO V 4.2.11 with the “Illustrative Architectural Exhibit” contained in Exhibit 3 as guidance for the character of the buildings in the development. The elimination of V 4.2.11 would result in the following:

Ordinance standard	Ordinance requirement	Proposal per plan
Number of Roof Planes visible from the public ROW	At least 2	At least 2; See Exhibit 3, pgs 10-14
Masonry Coverage	All single-story houses greater than 1500 sf must have 100% masonry coverage on all elevations; Houses of two or more stories greater than 1500 sf must have at least 50% masonry coverage on all elevations in the public view	Masonry is used as accent material and typically extends only up to about 36” above the ground on the front façade; See Exhibit 3, pgs 10-14
Elevation modulations (step backs)	Exterior wall surface of the first floor of any multi-story house must have at least one 2’ step back on the front and rear elevations	Front elevations satisfy this requirement, but exhibit doesn’t show the rear; See Exhibit 3, pgs 10-14
Windowless elevations	There shall be no windowless elevations	Architectural exhibit does not show side or rear elevations so unclear if this represents a waiver; See Exhibit 3, pgs 10-14
Minimum Architectural Standards Score	Residential plans are required to earn a	None



	minimum score of 15 according to Table 4.2.9.1 Architectural Standards	
Minimum Conservation Standards score	Residential plans are required to earn a minimum score of 10 according to Table 4.2.9.2 Conservation and Indoor Air Quality Standards	None

The petitioner also proposes the following standards:

Ordinance standard	Ordinance requirement	Proposal per plan
Number of Exterior Materials/Colors	None	At least 3 exterior colors/materials/patterns, including trim color, on front façade At least 2 exterior colors/materials/patterns, including trim color, on rear and side facades.
Architectural anti-monotony	No two (2) dwellings with alike facades and exterior color package shall be permitted adjacent to, diagonally, or across from each other.	No two (2) dwellings with alike facades shall be permitted adjacent to, diagonally, or across from each other. A color package may not be repeated for two (2) houses on either side or the five house across the street
Roof pitch	Minimum 6/12 with façade gables of 8/12. Down to 3/12 is allowed for certain styles.	Minimum 5/12 for the primary roof ridge. Dormers and porch roofs may be shallower
Roof materials	Natural clay tile; slate; concrete tile with natural texture and	Dimensional shingles, architectural shingles, asphalt shingles



	color; wood shakes or shingles; high-profile dimensional asphalt/fiberglass shingles; synthetic or recycled materials that simulate tile stone, shake, or slate; metal	
Roof Vents	None	Vents visible from the front facade must be painted to match roof color
Lighting	None	A dwelling shall have at least 1 dawn-till-dusk carriage light.

### Lighting Standards

Ordinance standard	Ordinance requirement	Proposal per plan
Street Lighting	Streetlights required throughout the development	Streetlights required at development entrances only

### Environmental Standards

Ordinance standard	Ordinance requirement	Proposal per plan
Plantings Required around Pond	All ponds must have buffer of natural plantings within 20 ft of peak elevation	No planting buffer requirement

### Entrance/Drive Standards

Ordinance standard	Ordinance requirement	Proposal per plan
Driveway Locations	No drive may be within 50 feet of an intersecting local road No two (2) drives may be within 25 feet of another	Must be at least 2 feet from side yard property line



## Major Subdivision Standards

The developer proposes following the Major Subdivision Standards contained in UDO 12.1.6 and 12.1.7 except where those provisions contradict the proposed ordinance and Concept Plan. They propose that the PUD Ordinance and Concept Plan supersede the UDO in such cases. They also propose eliminating the block length limit requirement.

## ANALYSIS OF WAIVERS FROM ORDINANCE STANDARDS

1. Minimum lot area: from 7,250 sf to 3,800 sf
  - a. Reason: Make homesite sizes that are smaller to make them more affordable to first-time home buyers.
  - b. Staff comment:
    - i. Shrinking the minimum lot size will have the effect of making the development appear denser as all houses will have less lot surrounding them. Given that the minimum living area proposed is larger than what's allowed in the UDO, this could make the buildings appear bulkier from the street. The smallest in-town lots nearby are about 6500 sf. Figure 2 shows how the proposed lot would compare to R2 (and legal nonconforming R1) lots in Lapel.
    - ii. The value of the land is generally a large component of the cost of housing, and smaller properties—all other things being equal—generally cost less for buyers.



Figure 2. Lot Size Comparison. Minimum lot size in PUD ordinance, shown in blue, compared to typical lot size near subject site (left) and in R2 district (right).



2. Minimum lot width: from 60 feet to 40 feet
  - a. Reason: Make homesite sizes that are smaller to make them more affordable to first-time home buyers.
  - b. Staff comment:
    - i. Reduced minimum lot width may have the effect of making the development appear denser as narrower lots means the houses will be closer together. Most of the houses in the R2 district a few blocks south of the subject property appear to use close to the full width available to them between the side setbacks, so this effect may be mitigated. However, the narrower lots will lead to homes that are narrower, taller, and possibly extend deeper on the lot than is currently typical elsewhere in Lapel. Figure 2 shows some typical lot dimensions in Lapel.
    - ii. A smaller lot width leaves less space on the street in front of the house to park vehicles without blocking driveways.
3. Minimum Lot Frontage: from 70% of lot width to 30 feet.
  - a. Reason: Make homesite sizes that are smaller to make them more affordable to first-time home buyers.
  - b. Staff comment: The minimum lot width is 60 feet, so the minimum lot frontage is 70% of 60 or 42 feet. A reduction in the required lot frontage presents similar concerns as the reduction in the required lot width.



## 4. Minimum front yard: from 25 feet to 20 feet

- a. Reason: Trade some private outdoor space for the proximity to large public outdoor space (Woodward Park).
- b. Staff comment:
  - i. Most homes are built as close to the front setback as possible, so reducing the front yard will likely move the buildings closer to the street, which could make them appear taller and bulkier to people on the street. Most of the lots shown on the Concept Plan have a depth of about 100 feet, with the ones in the outside corners stretching to as much as 250 feet. Given that the typical single-family home is 40-60 feet deep, there is about 40-60 feet of space to be split between the front and rear yards on most lots. Lapel's UDO requires 50 feet split



Figure 3. Example SFR Lot Depths and Effective Rear Yard

evenly between the front and rear yards, which is possible to accomplish here but would require homes built on the parcels to be at most 50 feet front to back. Figure 3 shows an example of lot depths and houses just south of the subject property.

- ii. A shorter front yard leaves less space in the driveway for vehicles to park, and with the smaller overall building footprints, there will be less space in the garage as well. Staff is concerned that shorter driveways will mean that cars will be parked across the sidewalk.



5. Minimum side yard: from 6 feet to 5 feet
  - a. Reason: Trade some private outdoor space for the proximity to large public outdoor space (Woodward Park).
  - b. Staff comment: The difference between the two standards is relatively small, and is not expected to have a significant impact on the look and feel of the buildings from the street.
6. Minimum rear yard: from 25 feet to 15 feet
  - a. Reason: Trade some private outdoor space for the proximity to large public outdoor space (Woodward Park).
  - b. Staff comment: See comment for Item #4 above.
7. Buffer zone width: from 10 or 30 feet depending on adjacent zoning to 10-foot buffer zone for all but two adjacent zoning districts
  - a. Reason: Providing such a buffer would require devoting more of the project site to the green space, leaving less available for housing.
  - b. Staff comment: The landscape buffer regulation exists to increase the welfare of the community by visually creating a softer transition from the residential to non-residential uses. The commercial properties to the west have deep rear and side yards that provide extra separation from the buildings and parking areas on those properties. The development is adjacent to the park and more housing to the south, so a large buffer is not as necessary. Only at the northeast corner is the buffer of greater importance.
8. Berm and Screen Wall Planting: Allowing landscaping on the interior side to count towards the requirements
  - a. Reason: This modification will allow more flexibility with our landscape design without overplanting that would lead to future plant growth being cluttered together that could lead to overgrowth and dying landscaping.
  - b. Staff comments: The requirement that landscaping be placed on the exterior side of berms and screen walls exists to ensure that property owners present a more attractive face to the public than a bare berm or plain fence or wall. It is not meant to, nor should it be understood to, prevent any additional planting on the interior side. It only means that interior side planting is not sufficient to meet the landscaping requirements.
9. Open Space: allowing buffer zones to be counted as part of open space
  - a. Reason: Since the development is directly adjacent to a Town park, the developer sacrificed useable open space within the development for the ability to add more homesites.
  - b. Staff comment: The intention behind excluding buffer zones from the open space requirements is that open space is meant to provide areas for outdoor relaxation and recreation, which means these spaces must be usable. Developers are required by the UDO to provide 500 sf of common open space



for each dwelling, which comes out to 53,500 sf or about 1.23 acres for this PUD. Woodward Park is over 7 acres of common open space and is directly south of the development, and the developer is willing to commit up to \$30,000 for improvements in the park.

10. Minimum Masonry Coverage: from at least 50% to up to 36”

- a. Reason: The kind of product the developer tends to build is what is being proposed. Masonry is generally an accent material for this developer.
- b. Staff comment:
  - i. Masonry is typically regarded as one of the highest-quality and most visually appealing building materials, which is why the Standards so heavily favor masonry. Other materials, siding in particular, tend to range more in their quality both in terms of visual appeal and durability.
  - ii. Masonry is also often more expensive, so extensive use of masonry may put these houses out of reach for many of the potential buyers the development is marketed towards.

11. Step Back on Rear Elevation: from required to possibly not required

- a. Reason: The developer tends to build from a catalog of products, many of which may not satisfy this requirement.
- b. Staff comment: It is unclear whether this is actually a waiver item as the architectural exhibit does not show the rear elevations of any of the buildings it proposes; however, assuming that it is a waiver, this will make the rear elevations of houses less interesting and dynamic. For the houses built on interior lots, this may not be much of an issue, but for the houses built on the lots with their rears facing CR 900 W (east), SR 32 (north), and Woodward Park (south) this would have flat facades in public view, which contradicts the intention of this standard.

12. Windowless Elevations: from none to up to one

- a. Reason: The developer tends to build from a catalog of products, many of which may not satisfy this requirement.
- b. Staff comment:
  - i. This standard minimizes the expanse of flat, featureless walls by requiring at least one window per elevation. Allowing up to one wall to not have any windows would likely result in a completely blank wall.
  - ii. Windows provide important marginal psychological benefits in the form of access to sunlight and views of nature. Requiring windows on all sides reduces the chances of a room in the house lacking access to these benefits.



- iii. Privacy concerns can be handled by adjusting the size and arrangement of windows on facing facades to avoid looking out one window directly into another.

13. Minimum Score Requirements: from 15 points Architectural to 0 and from 10 points Conservation and Indoor Air Quality to 0

- a. Reason: While it is possible to achieve these minimums, it requires significant changes to the typical set of designs the developer uses and will make the final product more expensive.
- b. Staff comment:
  - i. The minimum score for the Architectural Standards table is steep but attainable. However, the result is housing typical of more expensive communities such as Carmel and Fishers. While such high-quality housing is desirable, it will create a different character for the town, especially due to its location on SR 32.
  - ii. The design standards contained in the Conservation and Indoor Air Quality table are more critical as they seek to conserve public resources—electricity, water, sewerage—and promote the health of their occupants. This is one of the few places in the UDO that regulates these performance issues.
  - iii. Planning staff has previously identified these minimum scores, particularly for the Architectural Standards, as being too high, but it is staff's belief that having some minimum score is desirable even if it is lower than as written in the current ordinance.

14. Roof Pitch: from 6/12 minimum to 5/12 minimum

- a. Reason: This allows for more diversity in architectural standards and would create less monotony than if all of the homes had to be at least 6/12 roof pitch.
- b. Staff comment: This will allow slightly shallower roofs, which can reduce the visual bulk of the roof when viewed from the street. Allowing more angles of pitch also decreases monotony.

15. Roof Materials: reducing the number of allowed materials

- a. Reason: Listed materials are the ones the developer typically uses and are more typical of Central Indiana.
- b. Staff comment: Limiting the number of allowed materials for roofing limits the ability of the developer and future property owners to customize the look of each home to their liking and increases monotony within the development. Conversely, it may also give the development a visual cohesion that helps identify it as a particular 'place' within the Town. The developer is open to allowing the additional materials allowed by the UDO.



16. Street Lighting: from streetlights throughout to streetlights only at entrances to development

- a. Reason: Each house is required to have an exterior carriage light above the garage, so the streets will be lit by these lights.
- b. Staff comment: It may be superfluous and contribute to light pollution to require both the carriage light and street lighting throughout the development. However, there is concern that the carriage lights will not be sufficient to provide adequate lighting on the sidewalks: they may not be bright enough to provide the same foot-candle illumination at the sidewalk let alone the street that a streetlight would given that the garage will be at least 20 feet from the sidewalk. Carriage lights are also typically designed to light the garage and driveway, not provide lighting to the sidewalk over 20 feet away. For the sake of public safety and the comfort of pedestrians after dark, it is important that the intention of the ordinance in providing a well-lit sidewalk is satisfied regardless of how that happens.

17. Required landscaping at Detention/Retention Ponds: eliminating landscaping requirement

- a. Reason: In the developer's experience natural landscaping typically creates a lot of plant overgrowth that they believe does not look as good as intended and could become visual blight for the adjacent homeowners.
- b. Staff comment: Retention ponds lacking perimeter landscaping are often seen as less attractive than those with landscaping. Landscaping also helps stabilize the soil and can help with flood control in the event that the retention pond is overwhelmed. These are the reasons this requirement exists, and the developer has not proposed other ways to achieve these objectives in lieu of this requirement. Staff is sensitive to the concern with overgrowth and that some residents may find semi-aquatic vegetation ugly; it is staff's belief that the pond could function better as an amenity space with some landscaping.

18. Entry Drive Locations: allowing drives closer together and to intersections with local streets.

- a. Reason: This is necessary due to the smaller lot sizes and lot frontages.
- b. Staff comment: This increases the number and density of points of conflict, which does pose some public safety risks. However, the additional risks can be mitigated by lower vehicle speeds. Twenty to 25 mph is typical for residential developments and would be appropriate here.

19. Major Subdivision Standards: eliminating block width limit

- a. Reason: The subdivision consists of a single road loop with lots on both sides. Following the block width limit would require additional streets to be laid through the subdivision, significantly decreasing useable space.



- b. Staff comment: The intention of the block width limit is to improve walkability in new developments. Research indicates that really long blocks are viewed as undesirable and even uncomfortable for pedestrians, while streets with more frequent intersections and breaks in the rows of buildings along the street are more desirable and give pedestrians plenty of options with regard to changing direction. The development is a large ring with green areas acting as “spokes” to the pond at the center. These green areas are at least 15 ft wide, and most are 22-25 feet wide, which is only a few feet shorter than the width of the proposed road. There is therefore reason to believe that these green strips could serve as sufficient breaks between houses to avoid the more negative effects of long blocks.

## CORRESPONDENCE

As of this writing, staff has not received written or verbal statements regarding this project from residents.

## RECOMMENDATIONS

Staff recommends application PUD-2025-01 be continued to the next meeting because:

1. The proposed PUD ordinance makes many changes to the underlying zoning district and in its present form there is too much that needs to be discussed and amended before staff can recommend approval.

## MOTION OPTIONS

1. Motion to forward a ***favorable*** recommendation to the Council for adoption of the Change of Zoning from General Commercial to Residential/Planned Unit Development for 25 acres to be developed as a residential single-family subdivision with about 107 lots to be known as Englewood, including adoption of the preliminary development plan and ordinance as per submitted application PUD-2025-01, the conditions of approval recommended in the Staff Report, and approval of the following waivers:

### WAIVERS:

- V4.1.4 Minimum lot area: from 7,250 sf to 3,800 sf
- V4.1.4 Minimum lot width: from 60 ft to 40 ft
- V4.1.4 Minimum lot frontage: from 70% of lot width (42 ft) to 30 ft
- V4.2.4.B.i.c Minimum front yard: from 25 ft to 20 ft
- V4.2.4.B.ii Minimum side yard: from 6 ft to 5 ft
- V4.2.4.B.iii.a Minimum rear yard: from 25 ft to 15 ft



- V4.2.4.H & I Buffer zone width: from 30-ft buffer to 10-ft buffer when adjacent to R1 and Ig and elimination of buffer requirement when adjacent to Is
  - V4.2.4.K.iv-v Berm planting: allow landscaping on the interior side to count towards requirements
  - V4.2.4.L.iv-v Screen Wall planting: allow landscaping on the interior side to count towards requirements
  - V4.2.10.A.i Open Space requirements: allow buffer zones to be included in open space calculations
  - V4.2.11.D.iii Masonry Coverage: from 50% of front elevation of homes greater than 1500 sf to up to 36"
  - V4.2.11.D.iv Masonry Coverage: from 50% of side and rear elevations of homes greater than 1500 sf in public view to up to 36"
  - V4.2.11.E.ii Required rear elevation step back: from at least one of 2' to none
  - V4.2.11.E.iii Windowless elevations: from none to up to one
  - V4.2.11.F Architectural, Conservation, and Indoor Air Quality Minimum Score Requirements: from 15 points Architectural and 10 points Conservation to none for both
  - V4.2.11.C.iii Roof Pitch: from 6/12 minimum to 5/12 minimum
  - V4.2.11.C.v Roof Materials: reduction in number of allowed materials
  - V4.2.12.B.i Street Lighting: from streetlights throughout the development to streetlights only at the entrances
  - V4.2.13.M Landscaping at detention/retention ponds: eliminate requirement for landscape buffer around pond edge
  - V4.2.16.G Entry Drive Location relative to road intersections: eliminate this standard
  - V4.2.16.I Entry Drive Location relative to other entry drives: eliminate this standard
  - V12.1.6 Block Width: eliminate block width limit
2. Motion to forward an **unfavorable** recommendation to the Council for adoption of the Change of Zoning from General Commercial to Residential/Planned Unit Development for 25 acres to be developed as a residential single-family subdivision with about 107 lots to be known as Englewood, including adoption of the preliminary development plan and ordinance as per submitted application PUD-2025-01 and all documentation presented in the Staff Report, applicant's booklet, modifications, stipulations, and the waivers requested by the applicant. **(List reasons)**
3. Motion to **continue** the review of the application PUD-2025-01 until the next regular meeting on May 8, 2025.

Next Plan Commission meeting date(s): May 8, 2025.





## Englewood PUD Rezone



**ARBOR**  
HOMES



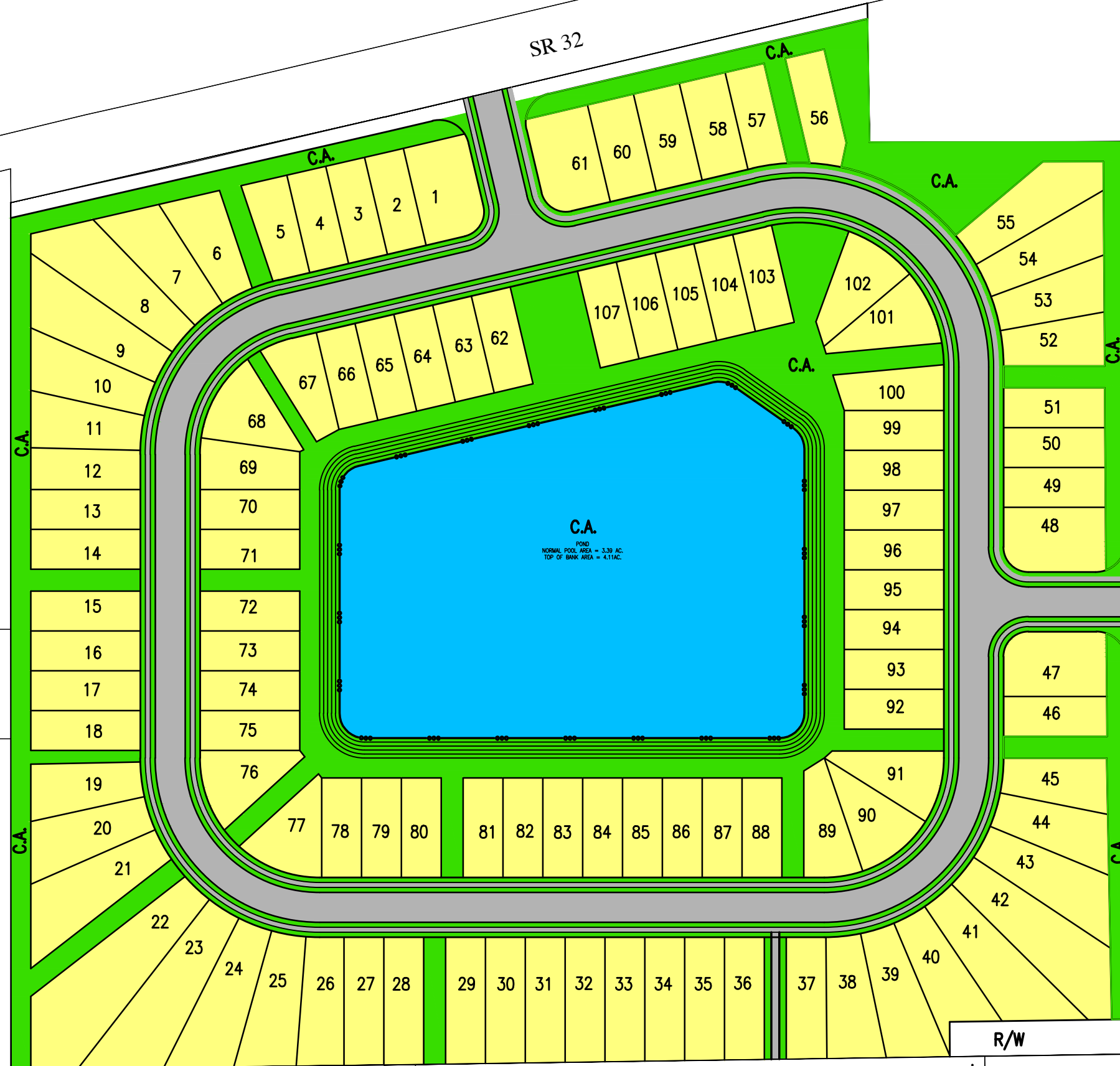
Plot Date: Jan 06, 2025 Plot Time: 6:16am File Name: W:\Arbor Homes\2024-310 Arbor - SR 32 Lapel\Design\CAD\24310.Layout B Color.dwg, Layout: Layout B By: kelthorn

N MAIN ST.

CR 925 W

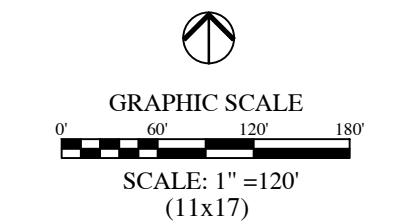
SR 32

EXHIBIT 2. CONCEPT PLAN



CR 900 W

CR 200 S



SR 32 LAPEL PROPERTY

LAPEL, INDIANA  
JANUARY 2, 2025



# **EXHIBIT 3. PUD Ordinance**

**ORDINANCE NUMBER \_\_\_\_ - 2025**

## **ENGLEWOOD PLANNED UNIT DEVELOPMENT**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAPEL, MADISON COUNTY, INDIANA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF LAPEL, INDIANA.**

**WHEREAS**, the Town Council of the Town of Lapel, Indiana (the "Town Council"), adopted the Town of Lapel, Indiana Unified Development Ordinance (the "Unified Development Ordinance") pursuant to its authority under the laws of the State of Indiana, Indiana Code § 36-7-4 et seq., as amended; and

**WHEREAS**, the Town of Lapel, Indiana (the "Town") is subject to the Unified Development Ordinance; and

**WHEREAS**, the Town of Lapel Advisory Plan Commission (the "Commission") considered a petition ("Docket \_\_\_\_"), the Englewood Planned Unit Development, filed with the Commission requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in Exhibit A attached hereto (the "Real Estate");

**WHEREAS**, the Commission forwarded Docket \_\_\_\_, after a public hearing held on the \_\_\_\_ day of \_\_\_\_, 2025, to the Town Council with a \_\_\_\_ recommendation by a vote of \_\_\_\_ in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Town Council on \_\_\_\_, 2025;

**WHEREAS**, the Town Council is subject to the provisions of the Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Lapel, Madison County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:



**Section 1.**      **Applicability of Ordinance.**

- 1.1      The Unified Development Ordinance and Zoning Map are changed to incorporate Real Estate (Exhibit A) into the Englewood Planned Unit Development District (the "Englewood PUD District").
- 1.2      Development of the Real Estate is governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance as set forth herein, except as modified, revised, supplemented, or expressly made inapplicable by this Ordinance.
- 1.3      Cross-references of this Ordinance refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4      All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are made inapplicable to Real Estate and are superseded by the terms of this Ordinance.

**Section 2.**      **Definitions.** Capitalized terms not otherwise defined in this Ordinance have the meanings ascribed to them in the Unified Development Ordinance.

- 2.1      Street Side Yard: An open space extending fully across the lot while situated between the street side lot line and the established street side building line.

**Section 3.**      **District Plan and Concept Plan.**

- 3.1      The Real Estate within the Englewood PUD District is one (1) District as depicted on the "Concept Plan", attached as Exhibit B. Development of the District is regulated as set forth in this Ordinance.
- 3.2      The Concept Plan is incorporated in accordance with V12.2.3. The community design and lot layout must be substantially similar to the design shown in the Concept Plan.

**Section 4.**      **Underlying Zoning District.** The underlying Zoning District shall be R2 Single-family Residential: Traditional Neighborhood District.**Section 5.**      **Permitted Uses. A.** The Permitted Uses listed in V4.1.2 (R 2 District Permitted Uses) shall apply to the Englewood PUD District.**Section 6.**      **Lot/Yard Standards.** The Lot/Yard Standards of the District's Underlying Zoning District (V4.2.4) apply to the development of the Real Estate, except as otherwise modified below.



## 6.1 Development Standards Matrix:

	Englewood PUD District
Min. Lot Area	3,800 SF
Min. Lot Width (at Building Line)	40'
Min. Lot Frontage (at ROW)	30'
Min. Front Yard Setback	20'
Min. Street Side Yard Setback	15'
Min. Side Yard Setback	5'
Min. Rear Yard Setback	15'
Max. Lot Coverage	60%
Min. Total Living Area	1,100 SF
Min. Ground Floor Area	N/A
Max. Building Height	35'

6.2 Driveways: All driveways are permitted over utility easements but must maintain a minimum of two (2) feet from side yard property lines.

6.3 Variations: The Plan Commission may approve a fifteen percent (15%) reduction in any minimum development standard or fifteen percent (15%) increase in any maximum development standard specified in this Section.

**Section 7.** **Buffer Zone/Screening Standards.** The Buffer Zone/Screening Standards, as applicable to the District's Underlying Zoning District (V4.2.7), apply to the development of Real Estate, except as otherwise modified by this Ordinance.

## 7.1 Perimeter Buffers:

7.1.1 Where the Real Estate abuts property zoned Po - Parks and Open Space District, Is - Institutional and Social District, or a sports-related use, no buffer zone is required. For all other conditions, a Buffer Zone 3 applies.

7.1.2 Where existing trees are being preserved and protected in place, no additional berming or landscaping is required.

7.1.3 Where berming is used for all or part of the buffer zone abutting a commercial use, the requirement that the plant material be placed only on the top and exterior side slope of the berm does not apply.

7.1.4 Where a screen wall or fence is used for all or part of the buffer zone abutting a commercial use, the requirement that the plant material be placed only on the exterior side of the wall or fence does not apply.

**Section 8.** **Public Improvement Standards.** The Public Improvement Standards, as applicable to the District's Underlying Zoning District (V 4.2.9), apply to the development of Real Estate, except as otherwise modified by this Ordinance.

## 8.1 Sidewalks:



8.1.1 Sidewalks along the perimeter of the Real Estate abutting existing roadways must be at least 8 feet in width and may be constructed of concrete or asphalt.

8.1.2 Sidewalks within the interior of the Real Estate must be at least 5 feet in width and constructed of concrete.

8.2 Street Construction: Improvements to existing perimeter streets is limited to the improvements needed to make safe entrances to the Real Estate, such as acceleration lanes and deceleration lanes.

**Section 9.** **Open Space Requirements.** The Open Space Requirements, as applicable to the District's Underlying Zoning District (V4.2.10), apply to the development of Real Estate, except as otherwise modified by this Ordinance.

9.1 Buffer Zones located within a larger common area may count toward the open space requirement.

9.2 The Town will permit common area walks to connect to the trail system within Woodward Park.

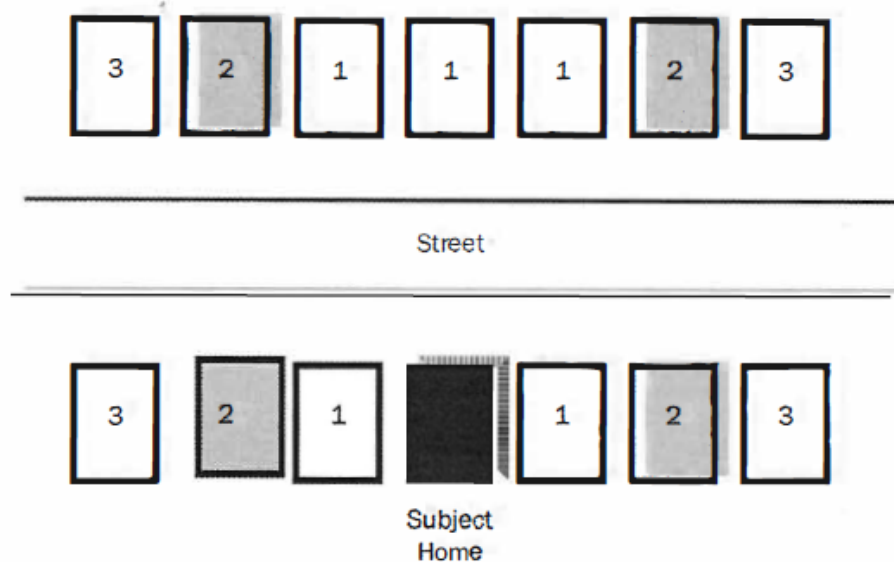
**Section 10.** **Building Design and Architectural Standards.** The Building Design and Architectural Standards, as applicable to the District's Underlying Zoning District (V4.2.11) do not apply to the development of Real Estate. Instead, the following building design and architectural standards apply:

10.1 The "Illustrative Architectural Exhibit" included in Exhibit C is hereby incorporated into this Englewood PUD to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the residential dwellings on the Real Estate. The final dwelling designs may vary from the Illustrative Architectural Exhibit, however, the dwellings shall be substantially similar in quality and character to the dwellings shown in the Illustrative Architectural Exhibit. Where there is a conflict between the Illustrative Architectural Exhibit and the Architectural Design Standards, compliance with the Illustrative Architectural Exhibit shall supersede and the dwelling design shall be permitted.

10.2 All residential dwellings must have at least 3 exterior colors (including building trim), materials, or patterns on the front facade and at least 2 exterior colors, materials, or patterns on the side and rear facades.

10.3 To improve the architectural diversity along a streetscape, homes of the same elevation and color scheme are not permitted next to or directly across the street from each other. Additionally, the home color scheme may not be repeated for two (2) homes on either side of the subject home and the five homes directly across the street from the subject home. *Figure 1* illustrates this requirement.



*Figure 1: Architectural Diversity Standards*

- Lots indicated with the number 1 must use a different elevation and color scheme than the subject property, however, they may use the same trim color as the subject property
- Lots indicated with the number 2 must use a different color scheme than the subject property, however, they may use the same trim color and brick or stone color as the subject property. These lots may use the same building elevation as the subject property.
- Lots indicated with the number 3 may use the same elevation and color scheme as the subject property.
- In determining if a building elevation meets these standards, the reviewer evaluates differentiation in the colors of the (a) siding, (b) siding accents, (c) trim, (d) front door, (e) shutters, and (f) brick or stone.

- 10.4 The roof pitch over the main body of each house shall be a minimum of 5/12. Dormer or porch roofs may be a different pitch.
- 10.5 All homes shall have dimensional, architectural, or asphalt shingles.
- 10.6 Any roof vents visible from the front façade shall be painted to match the color of the roofing material.
- 10.7 Each home shall have a minimum of one (1) carriage light.

**Section 11. Lighting.** The Lighting Standards, as applicable to the District's Underlying Zoning District (V4.2.12), apply to the development of Real Estate, except as otherwise modified by this Ordinance.

- 11.1 Street Lighting Standards: Streetlights are required at access points to existing perimeter streets. Streets internal to the development are illuminated by dusk-to-dawn lights installed on each of the primary buildings.



**Section 12.**     **Environmental Standards.** The Environmental Standards, as applicable to the District's Underlying Zoning District (V4.2.13), apply to the development of Real Estate, except as otherwise modified by this Ordinance.

- 12.1     Retention, Detention, and Pond Edges: The requirements for natural plantings required in V4.2.13(M) do not apply.

**Section 13.**     **Entrance/Drive Standards.**

- 13.1     The requirements of V4.2.16(G) do not apply to driveways for residential dwellings (both individual driveways and shared driveways).
- 13.2     The requirements of V4.2.16(1) do not apply to driveways for residential dwellings (both individual driveways and shared driveways).

**Section 14.**     **Landscaping.** The Landscaping Standards, as applicable to the District's Underlying Zoning District (V4.2.25), shall apply to the development of Real Estate.

**Section 15.**     **Major Subdivision Standards.** The standards of V12.1.6 Major Subdivision Principles and Design Standards and V12.1.7 Major Subdivision Construction Standards, as applicable, shall apply to the development of Real Estate unless otherwise modified by this Ordinance. All provisions of V12.1.6 and V12.1.7 that conflict with the provisions of this Ordinance and its Concept Plan are made inapplicable to Real Estate and are superseded by the terms of this Ordinance.

- 15.1     Block Standards: The block length requirements shall not apply.

*(Signature page follows)*



ALL OF WHICH IS ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2024 by the Town Council of the Towns of Lapel, Indiana.

Voting For	Voting Against	Abstain
Chad Blake	Chad Blake	Chad Blake
Roger Fouse	Roger Fouse	Roger Fouse
Lindsay Washmuth	Lindsay Washmuth	Lindsay Washmuth
Gary Shuck	Gary Shuck	Gary Shuck
Brian Robertson	Brian Robertson	Brian Robertson

ATTEST:

Teresa Retherford, Clerk Treasurer

This document was prepared by: Tony Bagato, Director of Entitlements, Arbor Homes, 9225 Harrison Park Court, Indianapolis, IN 46216.

*I affirm under the penalties for perjury, that I have take reasonable care to redact each Social Security Number in this document, unless required by law: Tony Bagato*



**Exhibit A**  
**Legal Description**

**PARCEL 1**

BEGINNING AT A POINT ON THE SOUTH LINE OF THE EAST-HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 6 EAST, SAID POINT BEING SOUTH 89 DEGREES AND 02 MINUTES WEST 599.75 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 21, AND RUNNING THENCE SOUTH 89 DEGREES AND 02 MINUTES WEST 378.45 FEET ALONG SAID SOUTH LINE TO A POINT BEING 358.6 FEET EAST OF THE SOUTHWEST CORNER OF SAID EAST-HALF OF THE SOUTHEAST QUARTER, THENCE NORTH 00 DEGREES, 12 MINUTES AND 20 SECONDS WEST 868.5 FEET, PARALLEL WITH THE WEST LINE OF SAID EAST-HALF TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 32, THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5,694.6 FEET, A DISTANCE OF 100.75 FEET TO A CONCRETE RIGHT-OF-WAY MARKER, THENCE NORTH 76 DEGREES AND 45 MINUTES EAST 284.03 FEET ALONG SAID RIGHT-OF-WAY LINE, THENCE SOUTH 00 DEGREES, 24 MINUTES AND 20 SECONDS EAST 950.2 FEET TO THE PLACE OF BEGINNING.

BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 6 EAST AND CONTAINING 7.86 ACRES, MORE OR LESS.

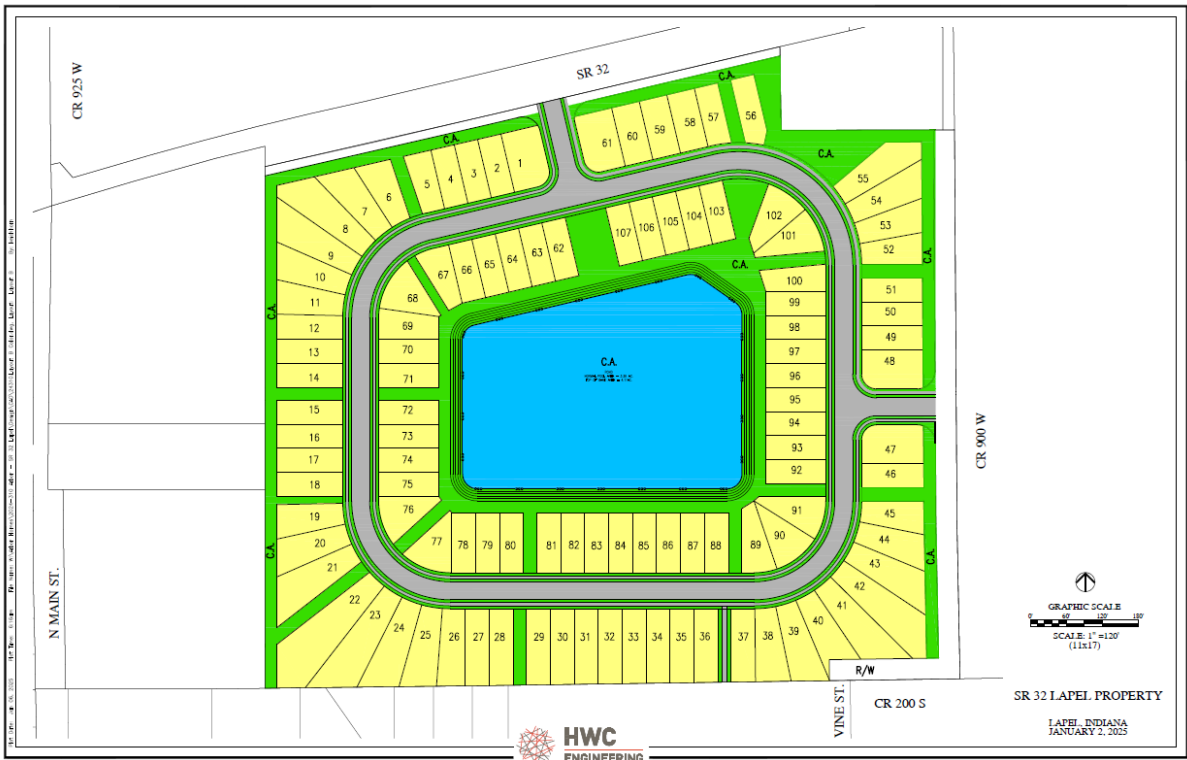
**PARCEL 2**

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 6 EAST AND RUNNING THENCE SOUTH 89 DEGREES AND 02 MINUTES WEST 599.75 FEET ALONG THE SOUTH LINE OF THE EAST-HALF OF SAID SOUTHEAST QUARTER, THENCE NORTH 00 DEGREES, 24 MINUTES AND 20 SECONDS WEST 950.2 FEET PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 32, THENCE NORTH 76 DEGREES AND 45 MINUTES EAST 505.17 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE NORTHWEST CORNER OF THE MORRIS K. HERSBERGER PROPERTY, THENCE SOUTH 00 DEGREES, 24 MINUTES AND 20 SECONDS EAST 143.2 FEET TO THE SOUTHWEST CORNER OF SAID HERSBERGER PROPERTY, THENCE NORTH 89 DEGREES AND 02 MINUTES EAST 288.7 FEET, THENCE SOUTH 00 DEGREES, 24 MINUTES AND 20 SECONDS EAST 915.5 FEET, THENCE SOUTH 89 DEGREES AND 02 MINUTES WEST 181.5 FEET TO THE PLACE OF BEGINNING.

BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 6 EAST AND CONTAINING 13.62 ACRES, AND A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 6 EAST AND CONTAINING 3.814 ACRES, AND CONTAINING IN ALL 17.434 ACRES, MORE OR LESS.



Exhibit B  
Concept Plan





**Exhibit C**  
**Illustrative Architectural Exhibit (1 of 5)**





**Exhibit C**  
**Illustrative Architectural Exhibit (2 of 5)**





**Exhibit C**  
**Illustrative Architectural Exhibit (3 of 5)**





**Exhibit C**  
**Illustrative Architectural Exhibit (4 of 5)**





**Exhibit C**  
**Illustrative Architectural Exhibit (5 of 5)**





## EXHIBIT 4. APPLICATION



TOWN OF LAPEL  
825 Main St., Lapel, IN 46051  
Planning@lapelindiana.org

### REZONE/PUD APPLICATION

*\*Required sections to fill out*

#### Application type\*:

- ☐ Rezone (Change of Zoning)  
☒ PUD (Planned Unit Development)  
☐ PUD Ordinance Amendment  
☐ Modification to Commitments

#### For office use only:

App No: PUD-2025-01  
Date received: 01/30/2025  
App fee: \$3,245  
Fee paid by: ☐ Cash ☒ Check  
Check #: \_\_\_\_\_

#### PROPERTY INFORMATION\*

Address/Location: South side of SR 92, west of N Main Street and east side of S CR 900 W  
Parcel(s)' ID(s): 48-10-21-400-006.000-032 and 48-10-21-700-002.000-032  
Current use: Vacant Current zoning: C1  
Proposed use: Residential Subdivision Proposed zoning: PUD  
Current improvements on site: None Proposed use for the site in Comprehensive Plan: C1  
Project total size: 25.29 Acres (include the area of all parcels)

#### PROPERTY OWNER INFORMATION\*

Name: Lapel One LLC  
Mailing address: 8663 W 300 N  
City/Town: Anderson Zip code: 46011  
Email: \_\_\_\_\_ Phone #: \_\_\_\_\_

#### APPLICANT INFORMATION\* ☐ Same as owner

Name: Tony Bagato Title: \_\_\_\_\_  
Company name: Arbor Homes  
Mailing address: 9225 Harrison Park Court  
City/Town: Indianapolis Zip code: 46216  
Email: tony.bagato@yourarborhome.com Phone #: (317) 523-0589

**NOTE:** The person listed as **applicant** will be contacted regarding all applications steps and payments, including being contacted by the newspaper publisher for Legal Notice payment.



## PROJECT DESCRIPTION\*

Proposed project name: Avery Woods

### Project description

*(Briefly describe the project: what would be built, how the property would be used, and how the project would be integrated into the surrounding area.)*

Proposing a rezone from C1 to PUD for approval of a new Residential Community with a maximum of 107 homes.

## COMPLIANCE WITH REZONE (and PUD) CRITERIA\*

*(Briefly describe how the proposed project follows the rezone/PUD criteria listed below.)*

1. **The Comprehensive Plan ([online copy here](#)):** This proposed change of zoning supports the comprehensive plan because:

The Comp Plan shows this property as commercial, however, given that the property is adjacent to a park and school, residential would be the best use overall.

2. **Characteristics & Current Conditions:** This proposed change of zoning supports the current conditions and the character of current structures and uses in each district because:

The site is adjacent to Woodward Park and Lapel High School which makes a residential use a very compatible use that supports the current conditions and character of each district.

3. **Desired Use:** This proposed change of zoning supports the most desirable use for which the land in each district is adapted because:

The site is adjacent to Woodward Park and Lapel High School which makes a residential subdivision the most desirable use for the land within the district and with the surrounding uses.

4. **Property Values:** This proposed change of zoning supports the conservation of property values throughout the jurisdiction because:

The change to a residential subdivision will increase the property taxes from the specific property and it will not cause a negative impact on the jurisdiction.

5. **Growth Management:** This proposed change of zoning supports responsible development and growth because:

The property could be considered an infill site given that it is adjacent to other uses within the Town limits. New development within the Town limits promotes reasonable development and supports growth because it does not require services from the Town that are not within the limits of the jurisdiction.



Additional criteria for PUDs (V12.2.3 Preliminary Plan & Rezoning):

- **Requirements and Intent.** This proposed change of zoning to Planned Unit Development fulfills the requirements and intent of this Article (The Zoning Ordinance) and the Subdivision Control Ordinance because:

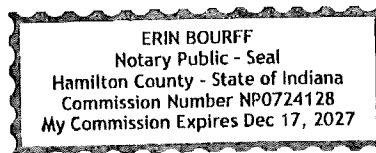
The proposed PUD fulfills the intent of the UDO by providing flexibility in housing standards that cannot be met in the Town's base zoning district. The PUD provides for a unique opportunity to provide housing in a location that is adjacent to the High School and public park.

- **Overlay Requirements.** This proposed change of zoning to Planned Unit Development is Consistent with the requirements of all applicable overlay districts because:

There are no impacts related to any overlay districts.



**APPLICANT AFFIDAVIT**



STATE OF IN  
COUNTY OF HAMILTON S.S.

The undersigned, having been duly sworn on oath, states that the information in the Application is true and correct as they are informed and believe.

Applicant printed name: Tony Bagato

Applicant signature: [Signature]

Subscribed and sworn to before me this 6 day of January 2025<sup>th</sup>

Notary printed name: Erin Bourff

Notary signature: [Signature]

My commission expires: 12-17-2027



OWNER AFFIDAVIT

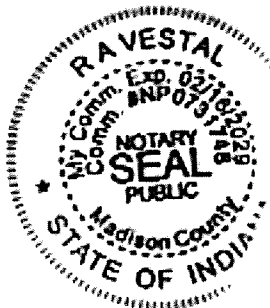
STATE OF Indiana  
COUNTY OF Madison S.S.

The undersigned, having been duly sworn on oath, states that they are the Owner of the Property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

Owner printed name\*\*: George R. Likens Sr

Owner signature\*\*: Lapel ONE L.L.C  
George R. Likens Sr. operating  
manager

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application. Subscribed and sworn to before me this 23<sup>rd</sup> day of December, 20 24.



Notary printed name: RA Vestal

Notary signature: [Signature]

My commission expires: 02/16/2029

\*\* A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.



Duly Entered For Taxation  
Subject To Final Acceptance  
For Transfer  
May 15 2024  
Rick Gardner  
AUDITOR MADISON COUNTY

## FIDELITY NATIONAL TITLE CO LLC

852400121

### TRUSTEE'S DEED

2024R006436  
05/16/2024 08:01:03 AM  
FEE: 25.00 PGS: 3

ANGIE ABEL  
MADISON COUNTY RECORDER, IN  
RECORDED AS PRESENTED  
THIS DOCUMENT WAS eRECORDED

THIS INDENTURE WITNESSETH, that David Conrad, as Successor Trustee of the Marcus Lowell Conrad Trust Agreement, dated January 25, 2005 (Grantor) of Madison County, State of Indiana *CONVEYS* to Lapel One LLC (Grantee) of Madison County, State of Indiana, for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Madison County, State of Indiana:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

*Property address:* 0 State Road 32, Anderson, IN 46011

*Subject to* Real Estate taxes not delinquent and to any and all easements, agreements and restrictions of record.

Marcus Lowell Conrad a/k/a M. Lowell Conrad was the original Trustee of the Trust. The undersigned became the Successor Trustee following his deaths on October 26, 2009, in accordance with the terms of the Trust. The undersigned further states that Bertha Conrad further held a life estate interest in a portion of the property which was extinguished upon her death on November 16, 1973.

This Deed is executed pursuant to, and in the exercise of, the power and authority granted to and vested in the said Trustee(s) by the terms of said Deed or Deeds in Trust delivered to the said Trustee(s) in pursuance of the Trust Agreement above mentioned and subject to all restrictions of record. The Trustee(s) herein states that (i) the Trust has not been amended, modified or revoked since its execution; (ii) the Trust is in full force and effect as of the date hereof; (iii) the Real Estate has not been withdrawn from the operation of said Trust Agreement.

IN WITNESS WHEREOF, Grantor has executed this deed this 15 day of May, 2024.



GRANTOR:

Signature: David Conrad


David Conrad, as Successor Trustee of the Marcus Lowell Conrad Trust Agreement,  
dated January 25, 2005

ACKNOWLEDGMENT

STATE OF Indiana  
COUNTY OF Madison )SS:

Before me, a Notary Public in and for said County and State, personally appeared David Conrad,  
as Successor Trustee of the Marcus Lowell Conrad Trust Agreement, dated January 25, 2005, who  
acknowledged the execution of the foregoing Deed, and who, having been duly sworn, stated that any  
representations therein contained are true.

Witness my hand and Notarial Seal this 15 day of MAY, 2024.

	OFFICIAL SEAL MARCIA GOINGS COMMISSION NUMBER 682996 NOTARY PUBLIC-STATE OF INDIANA MADISON COUNTY MY COMM EXPIRES MAY 20, 2024	Signature <u>Marcia Goings</u> Printed _____ Resident of _____ County State of _____
---	--	---

Grantee's mailing address: 8663 W 300th Anderson, IN 46011  
The mailing address to which statements should be mailed under IC 6-1.1-22-8 is:  
SAME

Return Deed to Grantee at the following address: SAME  
This instrument was prepared by Jeffrey R. Lade, Attorney at Law, 135 N. Pennsylvania St., Ste. 1575A,  
Indianapolis, IN 46204. File **852400121**  
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security  
number in this document, unless required by law MARCIA GOINGS.



## EXHIBIT A

Order No.: 852400121

For APN/Parcel ID(s): 48-10-21-700-002.000-032 and 48-10-21-400-006.000-032

### PARCEL 1

BEGINNING AT A POINT ON THE SOUTH LINE OF THE EAST-HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 6 EAST, SAID POINT BEING SOUTH 89 DEGREES AND 02 MINUTES WEST 599.75 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 21, AND RUNNING THENCE SOUTH 89 DEGREES AND 02 MINUTES WEST 378.45 FEET ALONG SAID SOUTH LINE TO A POINT BEING 358.6 FEET EAST OF THE SOUTHWEST CORNER OF SAID EAST-HALF OF THE SOUTHEAST QUARTER, THENCE NORTH 00 DEGREES, 12 MINUTES AND 20 SECONDS WEST 868.5 FEET, PARALLEL WITH THE WEST LINE OF SAID EAST-HALF TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 32, THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5,694.6 FEET, A DISTANCE OF 100.75 FEET TO A CONCRETE RIGHT-OF-WAY MARKER, THENCE NORTH 76 DEGREES AND 45 MINUTES EAST 284.03 FEET ALONG SAID RIGHT-OF-WAY LINE, THENCE SOUTH 00 DEGREES, 24 MINUTES AND 20 SECONDS EAST 950.2 FEET TO THE PLACE OF BEGINNING.

BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 6 EAST AND CONTAINING 7.86 ACRES, MORE OR LESS.

### PARCEL 2

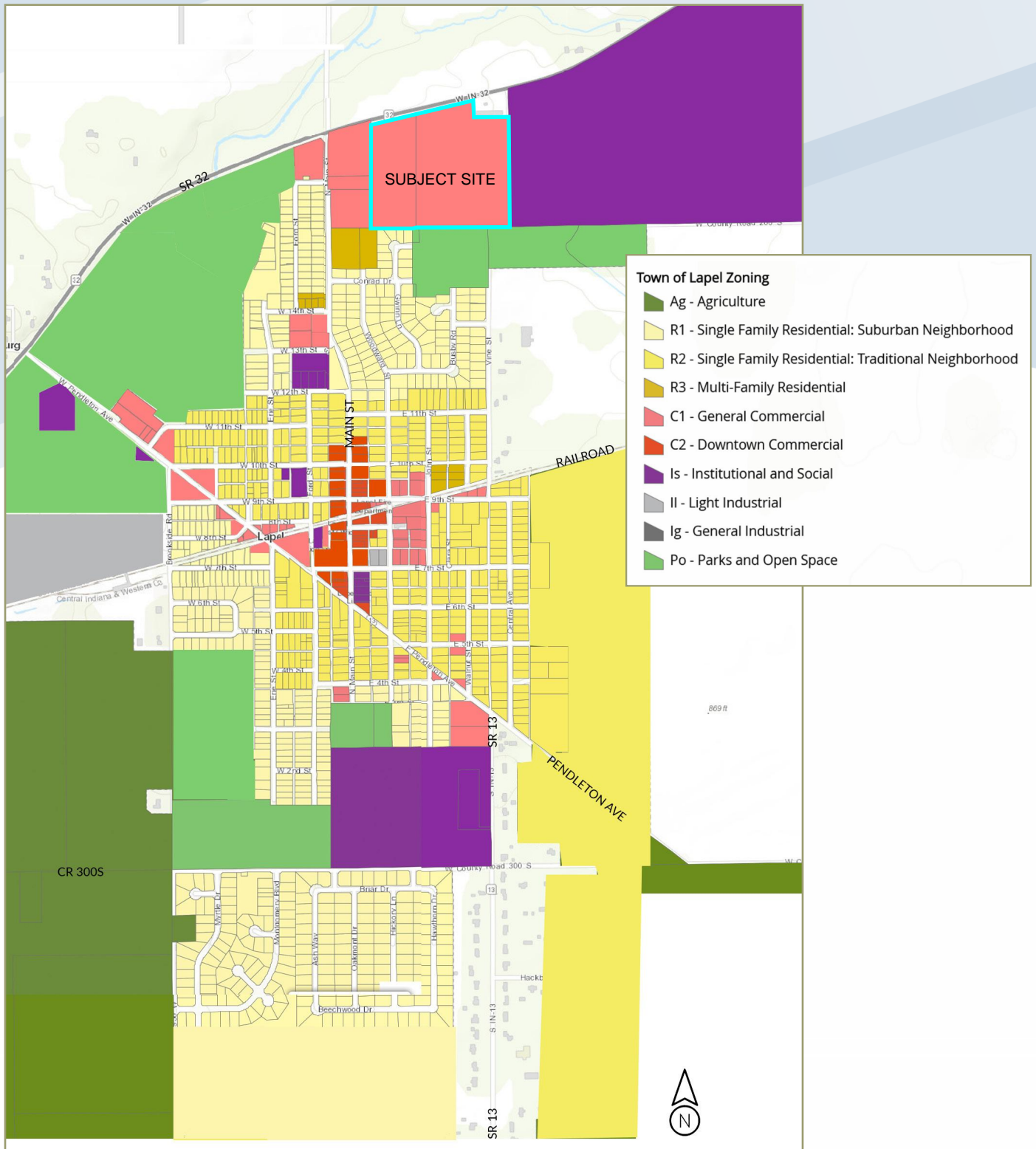
BEGINNING AT THE SOUTHEAST CORNER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 6 EAST AND RUNNING THENCE SOUTH 89 DEGREES AND 02 MINUTES WEST 599.75 FEET ALONG THE SOUTH LINE OF THE EAST-HALF OF SAID SOUTHEAST QUARTER, THENCE NORTH 00 DEGREES, 24 MINUTES AND 20 SECONDS WEST 950.2 FEET PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 32, THENCE NORTH 76 DEGREES AND 45 MINUTES EAST 505.17 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE NORTHWEST CORNER OF THE MORRIS K. HERSBERGER PROPERTY, THENCE SOUTH 00 DEGREES, 24 MINUTES AND 20 SECONDS EAST 143.2 FEET TO THE SOUTHWEST CORNER OF SAID HERSBERGER PROPERTY, THENCE NORTH 89 DEGREES AND 02 MINUTES EAST 288.7 FEET, THENCE SOUTH 00 DEGREES, 24 MINUTES AND 20 SECONDS EAST 915.5 FEET, THENCE SOUTH 89 DEGREES AND 02 MINUTES WEST 181.5 FEET TO THE PLACE OF BEGINNING.

BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 6 EAST AND CONTAINING 13.62 ACRES, AND A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 6 EAST AND CONTAINING 3.814 ACRES, AND CONTAINING IN ALL 17.434 ACRES, MORE OR LESS.

END OF DOCUMENT



## Comprehensive Plan Proposed Land Use - Downtown Area



LAND USE

TRANSPORTATION

ECONOMIC DEVELOPMENT

NATURAL RESOURCES


APPENDIX





### Low Growth Forecast: Stony Creek Township

Figure 80

-  Along SR-32 Mixed-use 1 Residential / Commercial
-  Residential - R1
-  Rural Commercial - C3
-  Residential - Ag2 Conservation
-  Office / Commercial Mixed-use 3
-  Institutional
-  Preservation
-  Residential / Commercial Mixed-use 1
-  Agricultural - Ag1

\* Note: Information presented at block group level. Additional call-outs have been added for greater detail beyond what is currently available through UrbanFootprint.





**High Growth Forecast: Stony Creek Township**

Figure 93



- Mixed-use 1 Residential / Commercial along SR-32.
- Residential - R1
- Office / Commercial Mixed-use 3
- Residential / Commercial Mixed-use 1
- Rural Commercial - C3
- Institutional
- Agricultural - Ag1
- Residential - Ag2 Conservation
- Preservation

\* Note: Information presented at block group level. Additional call-outs have been added for greater detail beyond what is currently available through UrbanFootprint.



## EXHIBIT 6. EXCERPTS FROM LAPEL THOROUGHFARE PLAN

Local streets are roadways where there are the lowest posted speeds and narrower ROW needs. Travel lane widths will be a minimum of 10 feet. The required ROW will be a minimum of 60 feet in an urban area and 70 feet in a rural area. The required ROW will be 60 feet in an urban area and 70 feet in a rural area. Urban local roads will have sidewalks and on-street parking, while rural local roads will have neither. Examples of local streets include Main Street, Vine Street, 9<sup>th</sup> Street, and Brookside Road.

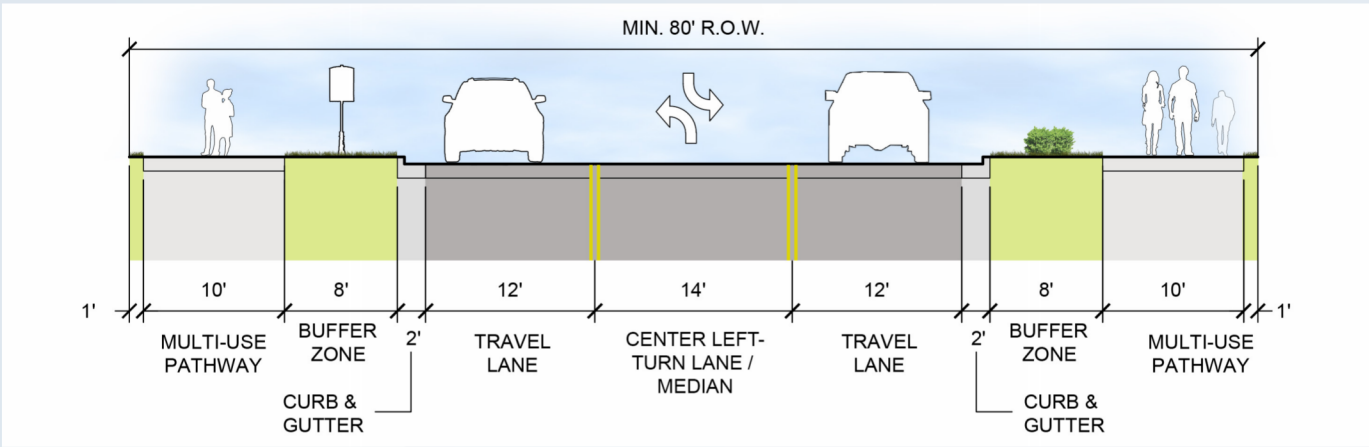
The cross sections for each functional classification are shown on the following pages.

The Functional Classification map shown on page 26 has the classification designations for Lapel's entire road network.

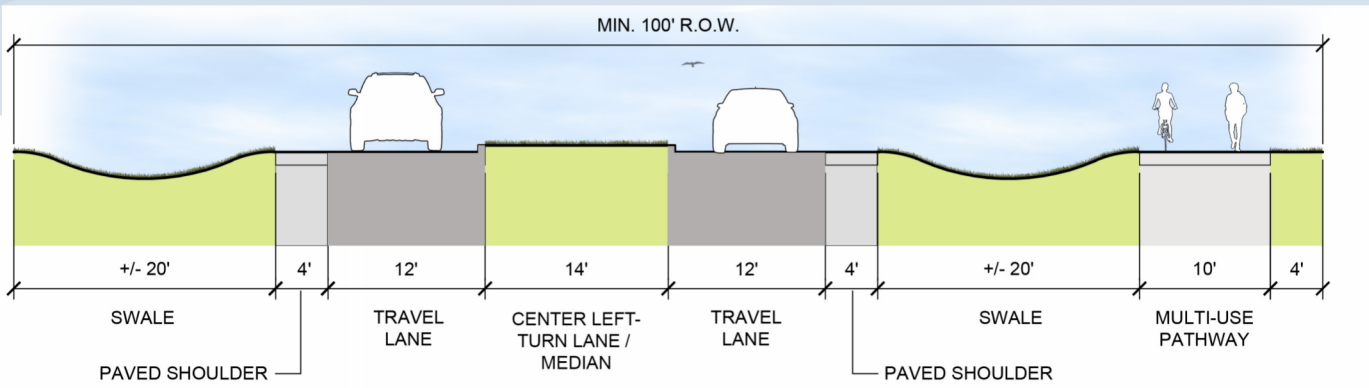
CLASSIFICATION	ARTERIAL		COLLECTOR		LOCAL	
Location	Urban	Rural	Urban	Rural	Urban	Rural
Posted Speeds (mph)	45 - 55		30 - 45		20 - 30	
Existing Volumes (AADT)	> 4,000		1,500 - 4,000		< 1,500	
Min. Travel Lane Width (ft)	11	12	11	11	10	10
Min. ROW Width (ft)	80	100	70	80	60	70
Pedestrian Facilities Required	Shared-Use Path on One Side		Shared-Use Path and Sidewalk		Sidewalk	No
On-Street Parking	No		No		Yes	No
Curb Cuts	Limited		Some		Many	



ARTERIAL - URBAN

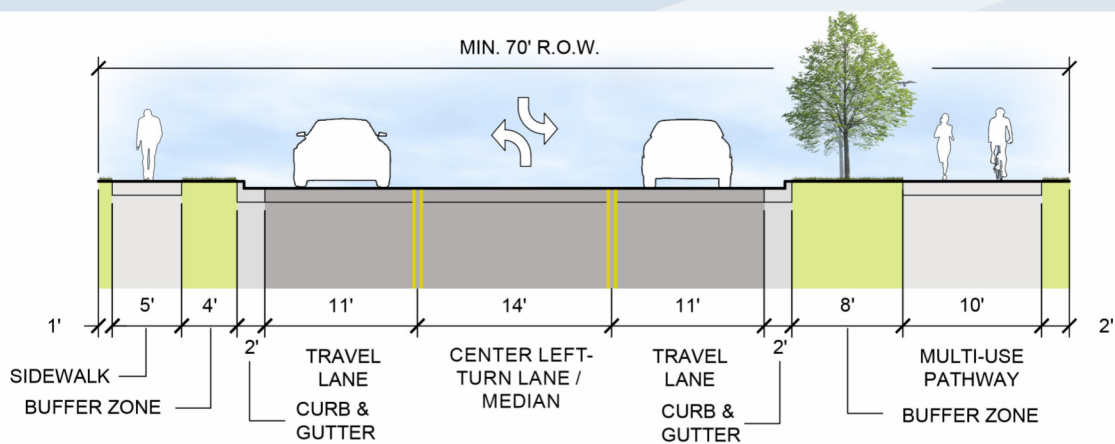


ARTERIAL - RURAL

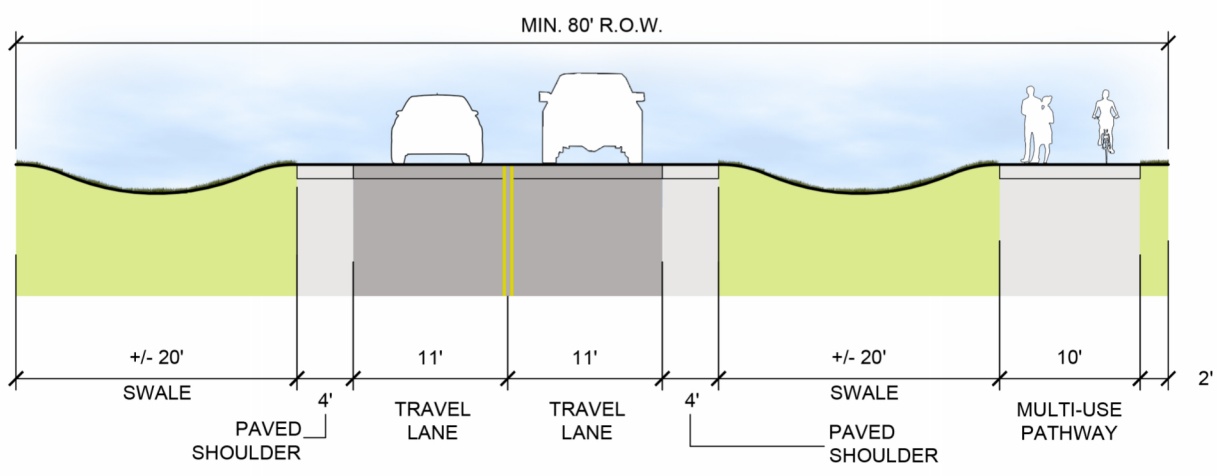




# COLLECTOR - URBAN

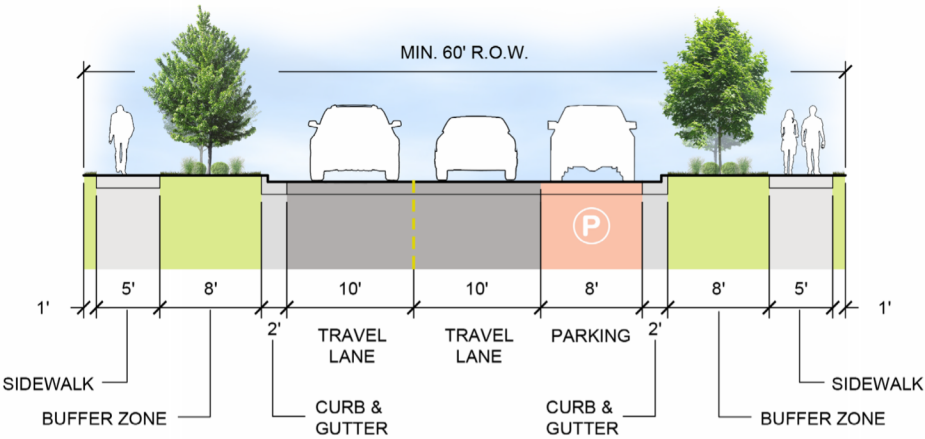


# COLLECTOR - RURAL

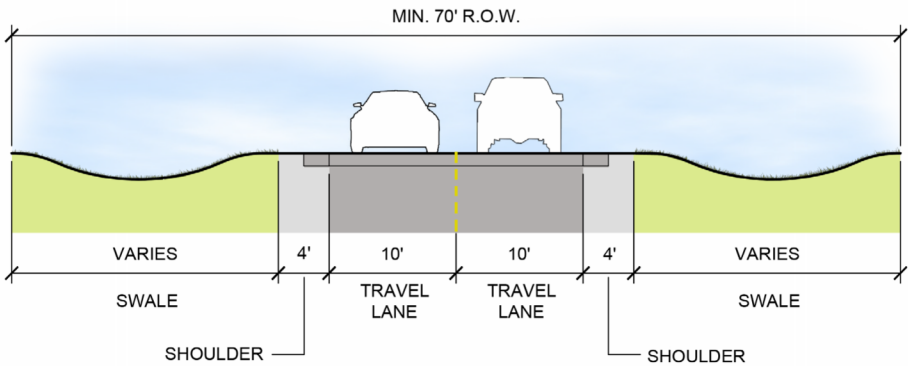




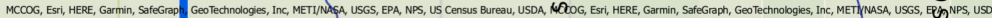
LOCAL - URBAN



LOCAL - RURAL













MCCOG, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, MCCOG, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US